

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

U.S. Equal Employment Opportunity Commission

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
U.S. EEOC - San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, CA 94105

DEFENDANTS

Crime Scene Cleaners, Inc.

County of Residence of First Listed Defendant Alameda
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

C11-4269MEJ

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Section 2000e et seq., 42 U.S.C. Section 1981a

Brief description of cause:

To correct unlawful employment practices on the basis of sex and to provide appropriate relief.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

8/30/2011

Cindy O'Hara

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

FILED
2011 AUG 30 A 11:24
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
E-filing

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Attorneys for Plaintiff Equal Employment Opportunity Commission

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MEJ

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

CV 11 No. 4269

Plaintiff,

COMPLAINT

v.

Civil Rights - Employment Discrimination

CRIME SCENE CLEANERS, INC.,

JURY TRIAL DEMAND

Respondent.

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Ms. Kristi Nunez who was aggrieved by Defendant's unlawful practices. Plaintiff alleges that Defendant, Crime Scene Cleaners, Inc., unlawfully refused to hire Ms. Nunez because of her sex. Plaintiff further alleges that Defendant failed to make and maintain records as required by Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c).

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1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706 (f) (1) and (3) of Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), 42 U.S.C. § 2000e-5 (f) (1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981(a).

INTRA-DISTRICT ASSIGNMENT

PARTIES

5. At all relevant times, Defendant Crime Scene Cleaners, Inc. (“Defendant”) has continuously been, and is now, a California corporation, qualified and doing business in the state of California and has continuously had and does now have at least 15 employees.

6. At all relevant times, Defendant has continuously been, and is now, an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e (b), (g) and (h).

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STATEMENT OF CLAIMS

FIRST CLAIM FOR RELIEF

Violation of Title VII of Civil Rights Act for Discrimination Based on Sex

7. More than thirty days prior to the institution of this lawsuit, Charging Party Kristi Nunez ("Charging Party") filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least on or about November 21, 2006, Defendant has engaged in unlawful employment practices of discrimination based on sex in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by refusing to hire Charging Party because of her sex. Charging Party, a woman, applied for and was interviewed by telephone and then in person for a position with Defendant as a crime scene cleaner. During the course of her interviews, Charging Party was asked questions which indicated that her gender was a significant factor in Defendant's hiring decision, including but not limited to how comfortable she would be working with "all men," if she was married, and if she had a jealous husband. Although she was clearly qualified for the position, she was not hired, and a man was hired instead.

9. The effect of the practices complained of above in paragraph 8 has been to deprive Charging Party of equal employment opportunities and otherwise adversely affect her employment status because of her sex.

10. The unlawful employment practices complained of above in paragraph 8 were and are intentional.

11. The unlawful employment practices complained of above in paragraph 8 were done with malice and/or reckless indifference to the federally protected rights of Charging Party.

SECOND CLAIM FOR RELIEF

Violation of Title VII of Civil Rights Act for Failure to Make and Preserve Records

12. Plaintiff Commission hereby incorporates the allegations of paragraphs 1 through 8 above as though fully set forth herein.

13. Since at least on or about November 21, 2006, Defendant has failed, in violation of Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c), to make and preserve records relevant to the

1 determination of whether unlawful employment practices have been or are being committed.
2 Defendant has informed Plaintiff Commission that it keeps few formal records of either
3 applicants or employees, and none specifically related to their gender.” Plaintiff is further
4 informed and believes that Defendant has failed to retain application documents and personnel
5 records and reports as required by said statute.

6 **PRAYER FOR RELIEF**

7 Wherefore, the Commission respectfully requests that this Court:

8 A. Grant a permanent injunction enjoining Defendant, its officers, successors,
9 assigns, and all persons in active concert or participation with it, from engaging in discrimination
10 based on sex against its applicants for employment and employees.

11 B. Order Defendant to institute and carry out policies, practices, and programs which
12 provide equal employment opportunities for women, and which eradicate the effects of its
13 unlawful employment practices.

14 C. Order Defendant to make whole Charging Party by providing appropriate back
15 pay, lost wages and benefits with prejudgment interest, and other affirmative relief necessary to
16 eradicate the effects of its unlawful employment practices.

17 D. Order Defendant to make whole Charging Party by providing compensation for
18 past and future pecuniary losses resulting from the unlawful employment practices complained of
19 above, including but not limited to medical expenses or other out of pocket expenses in amounts
20 to be determined at trial.

21 E. Order Defendant to make whole Charging Party by providing compensation for
22 past and future non-pecuniary losses resulting from the unlawful practices complained of above,
23 including but not limited to pain and suffering, emotional distress, indignity, loss of enjoyment of
24 life, loss of self-esteem and humiliation, in amounts to be determined at trial.

25 F. Order Defendant to pay Charging Party punitive damages for its malicious and
26 reckless conduct complained of above, in amounts to be determined at trial.

27 G. Order Defendant to make and preserve all records, in accordance with the
28 provisions of Section 709(c) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-8(c),

1 relevant to the determination of whether unlawful employment practices have been or are being
2 committed.

3 H. Grant such further relief as the Court deems necessary and proper in the public
4 interest.

5 I. Award the Commission its costs of this action.

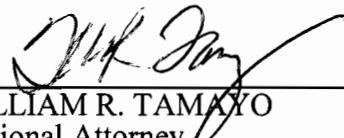
6 **JURY TRIAL DEMAND**

7 Pursuant to the provisions of Federal Rule of Civil Procedure 38(b), Plaintiff hereby
8 demands a jury trial.


9
10 P. DAVID LOPEZ
General Counsel
11 JAMES L. LEE
Deputy General Counsel
12 GWENDOLYN YOUNG REAMS
Associate General Counsel

13 EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
14 Office of the General Counsel
Washington, DC 20507
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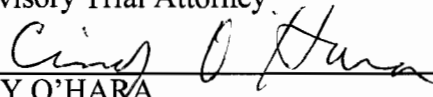
16 Dated: August 30, 2011

17 
WILLIAM R. TAMAYO
Regional Attorney

18 Dated: August 30, 2011

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DAVID F. OFFEN-BROWN
Supervisory Trial Attorney

20 Dated: August 30, 2011

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CINDY O'HARA
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